

00-SM5-327  
ATI-0006-D1

#### REMARKS

The Requirement for Restriction contends that the application is drawn to two separate inventions:

- (I) Claims 1-14, drawn to a robot arm assembly, classified in class 414, subclass 744.5; and
- (II) Claims 15-16, drawn to a substrate transport mechanism, classified in class 74, subclass 490.03.

The Examiner requires restriction of Groups I and II on the grounds that the inventions are patentably distinct from each other. The Restriction Requirement indicates that Groups I and II are related as subcombinations disclosed as usable together in a single combination, but have separate utility. The Applicants believe this restriction to be improper and unduly burdensome. The reasons given in the Office Action for requiring restriction are believed to be insufficient and contrary to the rules.

The rules require the Examiner to show that there would be some undue burden on the PTO to examine separate inventions in a single application. M.P.E.P. §803 sets forth the manner in which the Examiner must proceed as follows:

“If the search and examination of an entire application can be made without serious burden, the Examiner must examine all claims on the merits, even though it includes claims to distinct or independent inventions.” [emphasis added]

The Examiner has given no indication that there would be a serious burden of the type required and defined in the M.P.E.P. Applicants do not believe the scope of the search proposed is unduly burdensome. For example, the search for the provisionally elected invention of Group I will likely require a search of the sub-classes defined by the invention of Group II since these claims relate as combination and subcombination. Moreover, it is expected that since Group I and Group II relate as subcombinations, examination of both Groups will be expedited because of this relation.

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The Commissioner is hereby authorized to charge any required fee or fee deficiency under 37 C.F.R. § 1.17 in connection with this communication to our Deposit Account No. 06-1130.

Respectfully submitted,

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